

Robert M. Holley (SBN 50769)
Attorney at law
State Bar No. 50769
331 J Street, Suite #200
Sacramento, California 95814
Telephone: (916) 443-2213

Attorney for Defendant ANTHONY JOSEPH FANT

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,) NO. CRS 03-453 LKK
)
Plaintiff,) STIPULATION AND
) ORDER CONTINUING SENTENCING
v.)
)
ANTHONY JOSEPH FANT,)
)
Defendant.)
)
)

BACKGROUND AND DECLARATION OF COUNSEL

Mr. Fant is scheduled for sentencing on Tuesday, March 20, 2007 at 9:30 a.m. At the last appearance, the Court graciously allowed a continuance of sentencing so that Mr. Fant, who provides care for his elderly parents, could get them situated before he was to be incarcerated.

Since that last appearance, Mr. Fant's mother, Billie Ray Fant, 80 years old, has suffered a major turn in her health and is currently on life-support at Kaiser Hospital in Vallejo. I have in my possession a faxed memorandum from Kaiser Permanente, signed by N. Babib, M.D., 975 Serento Drive, Vallejo, CA 94589, telephone (707) 651-1000, dated 3/13/07 which says the following in handwriting under

1 "Serious Health Condition:

2 "(Patient) admitted February 24, 2007, still on
3 ventilator. Son needed for support to father with
4 end-of-life decision making daily at least through
5 April 1, 2005. Diagnosis: Patient has multiple
6 organ failure on life-support, respiratory, heart,
7 and kidney failure."

8 On today's date, Mr. Fant told me that, tomorrow, 3/20/07 he
9 and his father are meeting with the hospital staff to determine whether
10 or not to do an emergency tracheotomy or take her off life support
11 altogether. I, as Mr. Fant's counsel telephoned to the Dr. Habib this
12 morning but the doctor was unable to take my call. I did however
13 confirm that Mr. Fant's mother is in the intensive care unit on life
14 support.

15 As the Court is aware, Mr. Fant, based upon a 5K, has been
16 out of custody throughout the proceedings for a lengthy period of time
17 and has been doing extremely well. Since his release, Mr. Fant has
18 worked full time as a butcher for Safeway. He has not used any drugs
19 for more than 3 years. He has been a devoted son. His parents have
20 come to every court appearance (his mother in a wheelchair with
21 oxygen).

22 With this stipulation Mr. Melikian and I are in agreement
23 that one further continuance is appropriate and that the requested time
24 will be needed under these present circumstances.

25 I declare under penalty of perjury that the foregoing is true
26 and correct. Signed at Sacramento, California on March 19, 2007.

27 /S/ Robert M. Holley, Esq.

28

ROBERT M. HOLLEY, Esq.
Counsel for Mr. Fant

STIPULATION

It is hereby stipulated by and between the parties through their respective counsel that the Sentencing in the above-entitled case presently set for Tuesday, March 20, 2007 be continued without appearance, for the reasons set forth above, to **Tuesday, May 8, 2007 at 9:30 a.m.**

Dated: March 19, 2007


/s/ Kenneth J. Melikian
Assistant United States Attorney
Counsel the United States

/s/ Robert M. Holley
Counsel for defendant Anthony Fant

ORDER

GOOD CAUSE APPEARING and upon the stipulation of the parties,
IT IS HEREBY ORDERED that the sentencing presently scheduled for Tuesday, March 20, 2007 be continued to **Tuesday, May 8, 2007 at 9:30 a.m.**

Dated: March 19, 2007


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT